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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,212	05/25/2001	David A. Fertell	3361-010198	4350

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EXAMINER

OSMAN, RAMY M

ART UNIT PAPER NUMBER

2157

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/866,212

Applicant(s)

FERTELL ET AL.

Examiner

Ramy M Osman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 17-21 is/are allowed.
- 6) ☒ Claim(s) 9, 12-14 and 16 is/are rejected.
- 7) ☒ Claim(s) 10, 11 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Status of Claims*

1. This action is responsive to the amendment filed on January 7, 2005. Claims 9 and 17 were amended. Claims 21 and 22 were newly added. No claims were cancelled. Claims 1-22 are pending.

### *Drawings*

2. The drawings were received on 1/7/2005. These drawings are acceptable.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 9,12-14,16 and 22 rejected under 35 U.S.C. 102(e) as being anticipated by Kisor (US Patent No 5,809,250).**

5. In reference to claim 9, Kisor teaches a method of remotely monitoring an Internet session (Abstract), the method comprising the steps of:

(a) participating in a first Internet session at a first Internet protocol (IP) address (column 1 lines 29-40 and column 4 lines 29-45);

(b) concurrent with the first Internet session, initiating another Internet session at another IP address (column 1 lines 40-46, column 4 lines 25-40 and column 9 lines 10-15 & 33-35, Kisor discloses that a browsing session (i.e. Internet session) can be communicated to a user that is in a geographically remote location, and which can occur prior to the completion of a session. This means that it is concurrently initiated.); and

(c) transferring data associated with the first Internet session to the other IP address via the other Internet session (column 1 lines 40-46, column 5 lines 4-8 and column 9 lines 5-15 & 33-35, Kisor discloses communicating a session file to a remote user).

6. In reference to claim 12, Kisor teaches method as set forth in claim 9, wherein the data associated with the other Internet session includes at least one of (i) data previously displayed in connection with the first Internet session and (ii) data displayed in real-time in connection with the first Internet session (column 1 lines 40-46, column 5 lines 4-8 and column 9 lines 5-15 & 33-35).

7. In reference to claim 13, Kisor teaches the method as set forth in claim 9, further including at least one of the steps of:

displaying the transferred data; and storing the transferred data (column 1 lines 29-46, and column 9 lines 5-15 & 33-35, Kisor inherently involves storing and displaying).

8. In reference to claim 14, Kisor teaches the method as set forth in claim 9, further including the steps of:

Terminating the transfer of the data to the other Internet session; and terminating the other Internet session (column 1 lines 29-46, and column 9 lines 5-15 & 33-35, Kisor inherently involves terminating when the transmission is complete).

9. In reference to claim 16, Kisor teaches the method as set forth in claim 9, further including the steps of:

Applying a time-stamp to the data associated with the first Internet session; and transferring the time-stamp to the other IP address via the other Internet session with the data associated with the first Internet session (column 6 lines 5-10, column 7 lines 10-30 and column 9 lines 5-15).

10. In reference to claim 22, Kisor teaches a method of monitoring a first Internet session between a local computer and a remote computer(Abstract), the method comprising the steps of:

(a) participating in a second Internet session initiated by the local computer concurrent with the local computers participation in the first Internet session with the remote computer (column 1 lines 29-40 and column 4 lines 29-45);

(b) receiving from the local computer via the second Internet session data associated with the first Internet session between the local computer and the remote computer (column 1 lines 40-46, column 4 lines 25-40 and column 9 lines 10-15 & 33-35, Kisor discloses that a browsing session (i.e. Internet session) can be communicated to a user that is in a geographically remote location, and which can occur prior to the completion of a session. This means that it is concurrently initiated).

***Allowable Subject Matter***

11. Claims 1-8 and 17-21 are allowed.
12. Reasons for allowance have been stated in the previous action.
13. Claims 10,11 and 15 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
14. The following is a statement of reasons for the indication of allowable subject matter:  
  
The below indicated limitations if written into independent claim 9 would render the claims patentable over the cited art due to the novelty of the subject matter:
  - wherein step (c) includes the step of transferring data associated with the first Internet session to the third IP address via the third Internet session
  - determining a first check sum for the data associated with the first Internet session; transferring the first check sum to the other IP address via the other Internet session with the data associated with the first Internet session
  - determining a second check sum for the transferred data; and  
  
in response to detecting a match between the first and second check sums, displaying and/or storing transferred data.

***Response to Arguments***

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15. Applicant's arguments with respect to claims 9-16 have been considered but are moot in view of the new ground(s) of rejection.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (571) 272-4008.

The examiner can normally be reached on M-F 9-5.

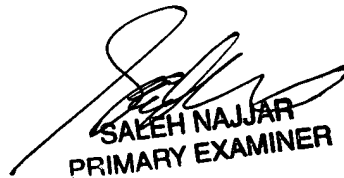
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO

April 14, 2005



SALEH NAJJAR  
PRIMARY EXAMINER